

New law provides that any candidate who is elected to public office and is convicted of certain election offenses related to his campaign for such public office forfeits such office and the office is, ipso facto, declared vacant at the time such conviction becomes final.

New law provides that the penalty of forfeiture of office will be limited to the following election offenses which are proscribed in existing law:

- (1) Offering, promising, soliciting, or accepting money or anything of present or prospective value to secure or influence a vote or registration of a person.
- (2) Intimidating, directly or indirectly, any voter or prospective voter in matters concerning voting or nonvoting or registration or nonregistration.
- (3) Voting or attempting to vote, knowing oneself to be not qualified, or influencing or attempting to influence another to vote, knowing such voter to be unqualified or the vote to be fraudulent.
- (4) Forging the name of another or using a fictitious name on an affidavit or document required in the election code.
- (5) Giving or offering to give, directly or indirectly, any money or thing of present or prospective value to any person who has withdrawn or who was eliminated prior or subsequent to the primary election as a candidate for public office, for the purpose of securing or giving his political support to any remaining candidates or to candidates for public office in the primary or general election.

Existing law provides that any person convicted of any election offense shall be fined not more than \$1,000 or be imprisoned for not more than one year, or both. On a second offense, or any succeeding offense, the penalty is a fine of not more than \$2,500 or imprisonment for not more than five years, or both.

New law retains existing law and further provides that the forfeiture of the public office is in addition to any other penalties which are imposed under existing law for the conviction of the specified election offenses.

New law provides that if the conviction for the enumerated election offense becomes final prior to the candidate taking the oath of office, the candidate forfeits the office and the office is declared vacant at the time the conviction become final. If the conviction for the enumerated election offense does not become final until after the candidate has taken the oath of office, then when the conviction becomes final he forfeits the office and is, ipso facto, removed and the office is declared vacant.

New law provides that if the candidate is the incumbent when he commits the offense, he is allowed to serve the remainder of that term, but upon final conviction for the enumerated election offense, he forfeits the public office for the subsequent term and if he has already taken the oath of office for the subsequent term, is at that time removed from office for the remainder of the subsequent term and the office is declared vacant.

New law provides that any vacancy in a public office occurring as a result of these provisions is filled as in the case of ordinary vacancies and according to the constitution and laws of the state.

Effective August 15, 1999.

(Adds R.S. 18:1461(C))